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Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS ALBERTO SANCHEZ,

Defendant.

No. CR 10-00211-DLJ

**STIPULATION TO CONTINUE  
MOTION HEARING; ~~PROPOSED~~  
ORDER**

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Tuesday, August 31, 2010 at 11:00 a.m., be continued to Tuesday, September 7, 2010, at 11:00 a.m. The continuance is requested in order to research and answer Defendant's claims with respect to Defendant's Motion to Dismiss.

1           The parties further agree that time should be excluded under the Speedy Trial Act because  
2 the ends of justice served by granting the requested continuance outweigh the interest of the  
3 public and the defendant in a speedy trial. The failure to grant the requested continuance would  
4 deny counsel reasonable time necessary for effective preparation, taking into account the exercise  
5 of due diligence, and would result in a miscarriage of justice. The parties therefore stipulate that  
6 this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

7 Dated: 8/7/2010

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/s/  
MANUEL ARAUJO  
Defense Attorney

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10 Dated: 8/7/2010

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/s/  
DAVID PAXTON  
Special Assistant United States Attorney

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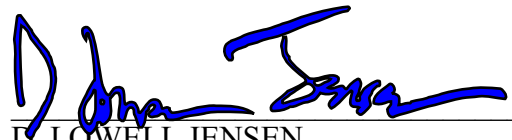
**~~PROPOSED~~ ORDER**

The parties have jointly requested a continuance of the hearing set for Tuesday, August 31, 2010 at 11:00 a.m., allow time for the government to make a sentencing recommendation.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Tuesday, August 31, 2010 at 11:00 a.m., be continued to Tuesday, September 7, 2010, at 11:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from August 31, 2010 to September 7, 2010. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: August 10, 2010

  
D. LOWELL JENSEN  
United States District Judge